

## **Membership Balance Plan**

### **Chief of Engineers Environmental Advisory Board**

**Agency:** Department of Defense

#### **1. Authority:**

The Secretary of Defense, under the provision of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix) and 41 CFR § 102-3.50(d) (agency authority), established the Chief of Engineers Environmental Advisory Board (hereafter referred to as “the Board”).

#### **2. Mission/Function:**

The Board shall provide the Secretary of Defense, through the Secretary of the Army, Assistant Secretary of the Army (Civil Works), and the Chief of Engineers (U.S. Army Corps of Engineers), independent advice and recommendations on matters relating to environmental issues facing the U.S. Army Corps of Engineers.

**3. Points of View:** The Board shall be composed of not more than ten members. The members are eminent authorities in the fields of natural sciences (e.g., biology, ecology), social sciences (e.g., anthropology, community planning), or a related science. To the extent practical the Board membership will include at least two members whose expertise is focused in the natural sciences, two members whose expertise is focused in the social sciences and two members whose expertise is focused in other related sciences. Individual members’ experience and qualifications may be based in academia, nongovernment organizations, federal or local governments, or private industry.

The Department of Defense, in selecting potential candidates for the Board, reviews the educational, experiential, and professional credentials of individuals and bases its selection on this review and the subject matters expected to be handled by the Board. The Department of Defense has found that viewing the complex environmental issues facing the Board through an interdisciplinary advisory committee provides the Department and, more importantly, the American public, with a broader understanding of the issues on which to base subsequent policy decisions.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Board, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Board members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C § 3109 and to serve as special government employees. The appointments of Board members shall be renewed on an annual basis by the Secretary of Defense.

The Board’s membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the Board’s sponsor. In addition, the Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

**4. Other Balance Factors:** A mix of experts specializing in ecosystem functions, cultural resources, social interactions, the physical environment, and the dynamic interactions of these components of the human environment is critical. Next, it is important to have representatives with knowledge and/or experience from most of the major ecological regions of the country.

## **Membership Balance Plan**

### **Chief of Engineers Environmental Advisory Board**

**5. Candidate Identification Process:** The Department, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals with extensive professional experience in the natural sciences (e.g. biological, ecological), social sciences (e.g. anthropologist, community planning), and other related sciences. Potential candidates may be identified by the Board's staff, current or past Board members, senior environmental scientists of the Corps and other agencies, academicians, and in some instances senior Corps officials.

Once potential candidates are identified, the Designated Federal Officer, in consultation with the Board's Chairperson and not less than three senior environmental scientists from the Corps, will review the credentials of each individual and narrow the list of potential candidates. The Designated Federal Officer will forward the list of potential candidates to the Secretary of the Army through the Assistant Secretary of the Army for Civil Works. During the Secretary of the Army review, the Secretary will strive to achieve a balance between the educational and professional credentials of the individual candidates, and the subject matter that is likely to be reviewed by the Board.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements; for example, compliance with the advisory committee's charter and membership balance plan. Following this review, the Secretary of the Army formally nominates the potential candidates to the Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the DoD.

Following Secretary of Defense or Deputy Secretary of Defense approval, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of Defense may approve the appointment of Board members for a three year term of service. The Secretary of Defense may authorize consecutive terms of service beyond the limits established in the charter if conditions call for an exception. The same term of service limitations also apply to any DoD authorized subcommittees.

Board and subcommittee member vacancies will be filled in the same manner as described in the previous five paragraphs above.

**6. Subcommittee Balance:** The Department, when necessary, and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Board's sponsor.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as Board appointments are made, and these individuals may come from the parent committee or new nominees, as recommended by the Board's sponsor and based upon the matters under consideration.

**Membership Balance Plan**  
**Chief of Engineers Environmental Advisory Board**

As required by the Board's charter, these subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

**7. Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the administration's prohibition against registered federal lobbyists.

**8. Prepared:** April 24, 2012